IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TRAXCELL TECHNOLOGIES, LLC,	§ § §	
Plaintiff,	§ § §	CIVIL ACTION NO. 2:18-CV-00412-RWS-RSP
v.	§ § §	
NOKIA SOLUTIONS AND NETWORKS US LLC, NOKIA SOLUTIONS AND NETWORKS OY, NOKIA CORPORATION, NOKIA TECHNOLOGIES OY, ALCATEL-LUCENT USA, INC., HMD GLOBAL, T-MOBILE USA, INC.,	§ § § § § § § § § §	
Defendants.	§ §	

ORDER

Before the Court is Defendant T-Mobile's Motion to Dismiss for failure to state a claim.

Docket No. 33. The Court previously referred this matter to Magistrate Judge Payne, for

consideration pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption

of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Magistrate Judge entered a Report and Recommendation (Docket No. 74)

recommending the motion be denied. Defendant has not objected to the report. Accordingly,

Defendant is not entitled to *de novo* review by the District Judge of those findings, conclusions

and recommendations, and except upon grounds of plain error, the parties are not entitled to

appellate review of the unobjected to factual findings and legal conclusions accepted and adopted

by the district court. *Douglass v. United Servs. Auto. Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1995)

(en banc).

Nonetheless, the Court has reviewed the pleadings in the cause and agrees with the Report

of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) ("[T]he statute permits the district court to give to the magistrate's proposed findings of fact and recommendations 'such weight as [their] merit commands and the sounds discretion of the judge warrants . . . .' ") (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

      ORDERED that the Report of the Magistrate Judge (Docket No. 74) is **ADOPTED** as the opinion of the District Court and Defendant's motion to dismiss (Docket No. 33) is **DENIED**.

    It is so ORDERED.

    SIGNED this 11th day of December, 2019.

ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE